

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2014 AUG 20 PM 3:51

DEPUTY CLERK

DENNIS HOOD,

Petitioner,

V.

WILLIAM STEPHENS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

[illegible]

2:14-CV-0124

**ORDER OVERRULING OBJECTIONS,**  
**ADOPTING REPORT AND RECOMMENDATION**  
**and DENYING PETITION FOR A WRIT OF HABEAS CORPUS**


Petitioner has filed an application for a writ of habeas corpus challenging a state prison disciplinary decision. On May 2, 2014, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the habeas application be denied because petitioner is not eligible for mandatory supervised release. On June 10, 2014, petitioner filed objections to the Report and Recommendation claiming he is, in fact, eligible for mandatory supervised release because on the date of the disciplinary infraction, he was serving only his mandatory supervision-eligible sentence for burglary of a habitation. On June 10, 2014, respondent was ordered to file a response to petitioner's objections. On August 1, 2014, respondent filed a response with a supporting affidavit from the Classification and Records Department of the Texas Department of Criminal Justice. Such response and affidavit demonstrate petitioner, on the date of the disciplinary infraction, was serving an aggregate or combined life sentence (a 30-year sentence for burglary of a habitation, and a life sentence for aggravated sexual assault) and was not eligible for release on mandatory supervision.

The undersigned United States District Judge has made an independent examination of the

record in this case. Based on respondent's response and the attached affidavit, petitioner's objections are without merit and are OVERRULED. The Magistrate Judge's Report and Recommendation is ADOPTED to the extent it is consistent with respondent's August 1, 2014 response. The application for a writ of habeas corpus filed by petitioner is DENIED.

IT IS SO ORDERED.

ENTERED this 20<sup>th</sup> day of August 2014.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE